

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ALAN PICKETT,
Plaintiff

-VS-

ACT FULFILLMENT SERVICES,
Defendant

A-23-CV-00452-JRN

ORDER

Before the Court in the above-entitled cause of action is the Report and Recommendation of United States Magistrate Judge Dustin Howell regarding Defendant's Motion to Dismiss, filed April 27, 2023 (Dkt. 3), and the associated response and reply briefs. This Court referred this cause to the United States Magistrate Judge for findings and recommendations. The Magistrate Judge filed his Report and Recommendation on January 23, 2024. *See* Dkt. 28. After a careful and thorough review of the case and the applicable law, the Magistrate Judge recommends that this Court **DENY** Defendant's Motion to Dismiss (Dkt. 3).


As noted, the Magistrate Judge issued his Report and Recommendation on January 23, 2024, and on the same date, both parties were served with copies of the Report and Recommendation by electronic means. A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because the Defendant timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, and

after careful consideration of Defendant's Objections (Dkt. 29), the Court overrules the objections and adopts the report and recommendation.

IT IS THEREFORE ORDERED that the Court hereby **ADOPTS** the Report and Recommendation that the United States Magistrate Judge has filed in this cause.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Dkt. 3), is **DENIED**.

SIGNED this 27th day of February, 2024.



JAMES R. NOWLIN
SENIOR U.S. DISTRICT JUDGE